

INVITATION FOR BIDS

APPLIANCE MARKET SURVEY



IFB #400-11-401
www.energy.state.ca.gov/contracts
State of California
California Energy Commission
November, 2011

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I. Introduction

BACKGROUND

The California Energy Commission's (Energy Commission) Appliance Efficiency Program was developed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under the Warren-Alquist Act [Public Resources Code § 25402(c)(1)], the Energy Commission is directed to develop, implement, and enforce standards that require either appropriate minimum energy or water efficiencies or maximum energy or water consumption allowances for each category of regulated appliances.

PURPOSE OF IFB

The purpose of this Invitation for Bid (IFB) is to obtain a qualified company to perform catalog, internet, retail and wholesale surveys of selected Title 20-regulated appliances in order to assess the extent of compliance with the Regulations.

KEY ACTIVITIES AND DATES

Key activities including dates and times for this IFB are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

ACTIVITY	ACTION DATE
IFB Release	November 16, 2011
Written Question Submittal Deadline*	November 23, 2011
Distribute Questions/Answers and Addenda (if any)	November 30, 2011
Deadline to Submit Bid by 3:00 p.m.*	December 2, 2011
Public Bid Opening	December 5, 2011
Notice of Proposed Award	December 5, 2011
Commission Business Meeting	December 28, 2011
Contract Start Date	January 31, 2012
Contract Termination Date	March 31, 2013

AVAILABLE FUNDING

There is up to \$200,000 available for the contract resulting from this IFB. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder providing the lowest cost. The contract will be written for the amount of the lowest responsible, responsive Bid.

The Commission reserves the right to reduce the contract amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Commission contracts. In this event, the Contractor and Commission Contract Manager (CCM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

QUESTIONS

During the IFB process, questions of clarification about this IFB must be directed to the Contracts Officer listed in the following section.

Potential Bidders shall carefully examine the qualifications and specifications of this IFB and may submit written questions via mail, electronic mail, and by FAX. All technical questions must be submitted by the date indicated in the Key Activities and Dates section.

Any verbal communication with a Commission employee concerning this IFB is not binding on the State and shall in no way alter a specification, term, or condition of the IFB.

CONTACT INFORMATION

Albert De Leon, Contracts Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654-4299
FAX: (916) 654-4423
E-mail: adeleon@energy.state.ca.us

RESPONSES TO THIS IFB

Responses to this solicitation shall be in the form of an Administrative Response and a sealed and formal Cost Bid using Attachment 7, Budget Forms, according to the format described in this IFB. The Cost Bid shall detail the Bidder's budget to perform the tasks outlined in the Scope of Work.

II. Scope of Work and Deliverables

ABOUT THIS SECTION

This section describes the contract scope of work, deliverables and due dates under the direction of the Commission Contract Manager (CCM).

BACKGROUND

The Appliance Energy Efficiency Program was developed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under the Warren-Alquist Act [Public Resources Code § 25402(c)(1)], the California Energy Commission (Energy Commission) is directed to develop, implement, and enforce standards that require either appropriate minimum efficiencies or maximum energy consumption allowances for each category of affected appliance.

The Energy Commission's Appliance Efficiency Regulations (Regulations) found in the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, Sections 1601-1608), was adopted on November 3, 1976. The efficiency standards within the Regulations became effective one year later. Since then, these Regulations have been updated with the most recent amendments adopted in 2010.

The Regulations apply to new appliances "if they are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles or other mobile equipment".

GENERAL REQUIREMENTS OR GOALS AND OBJECTIVES

The Contractor will conduct surveys of new appliances sold or offered for sale in California in retail and wholesale outlets, through catalogs, and via the internet. The purpose of this survey will be to assess the extent of compliance with the Regulations. The results of the market surveys will enable the Energy Commission to focus its enforcement efforts on; (1) those regulated appliance types for which the most non-compliance occurs; and (2) those market participants who are most non-compliant.

The Contractor shall perform wholesale, retail, internet and catalog market surveys for each of the appliances shown in the list of Appliances to be Surveyed below. For the Energy Commission to make the best use of limited resources, the list of Appliances to be Surveyed may be prioritized according to appliance category by the CCM.

Appliances to be Surveyed

Ceiling Fan Light Kits
Ceiling Fans (Excluding Low-Profile Ceiling Fans)
Commercial Convection Ovens
Commercial Hot Food Holding Cabinets
Commercial Ice Makers (Automatic Commercial Ice Makers)
Commercial Range Tops
Compact Audio Products
Commercial Pre-Rinse Spray Valves
Computer Room Air-Cooled Air Conditioners
Computer Room Water-Cooled Air Conditioners
DVD Player & DVD Recorders
Evaporative Coolers
Infrared Gas Space Heaters (Patio Heaters & Non-Patio Heaters)
Metal Halide Luminaires
Portable (Spot) Air Conditioners
Portable Luminaires
Refrigerated Canned/Bottled Beverage Vending Machines
Refrigerators w/o Doors (For Beverages)
Residential Exhaust Fans
Residential Pool Pumps
Residential Wine Chillers
Showerheads
Televisions
Tub Spout Diverters
Water Dispensers
Whole House Fans
To Be Determined *

* The Commission Contract Manager may request additional appliances to be surveyed. It is anticipated that such requests would be made for purposes of gathering information to respond to or address specific enforcement matters received by the Energy Commission (see Task 4).

TASK 1: AGREEMENT MANAGEMENT

Task 1.1 Kick-off Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

The Contractor shall:

- Attend a “kick-off” meeting with the CCM, the Contracts Officer, and a representative of the Accounting Office. If the contractor is located in Northern California, the kick-off meeting shall be held at the California Energy Commission offices at 1516 9th Street, Sacramento, CA. If the contractor is located in Central or Southern California, the kick-off meeting will be held via WebEx or telephone conference call. The date, time and location of the kick-off meeting shall be scheduled by the Contract Manager. The purpose of the meeting will be to discuss the tasks in the Scope of Work and the administrative requirements of the Agreement. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CCM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
- If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.

The CCM shall:

- Arrange the meeting including scheduling the date and time.
- Prior to the kick-off meeting, provide an agenda to all potential meeting participants

Deliverables:

- An Updated Schedule of Deliverables (if applicable)

TASK 1.2 Invoices**The Contractor shall:**

- Prepare invoices for all reimbursable expenses incurred performing work under this Agreement in compliance with the Terms and Conditions of the Agreement. Invoices shall be submitted consistent with the frequency of progress reports. Invoices must be submitted to the Energy Commission’s Accounting Office.

Deliverables:

- Invoices

TASK 1.3 Manage Subcontractors

The goal of this task is to ensure quality products, to enforce subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommend solution to resolve the problem.

The Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the terms and conditions of the contract, and 2) notify the CCM who will follow the Energy Commission’s process for adding or replacing subcontractors.

Task 1.4 Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

The Contractor shall:

- Prepare progress reports which summarize all Agreement activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due to the CCM within 15 calendar days after the end of the reporting period. The CCM will provide the format for the progress reports.

Deliverables:

- Monthly Progress Reports

TASK 2: CATALOG AND INTERNET SURVEYS

The Contractor shall:

- Search a minimum of five (5) catalogs, and ten (10) websites ensuring models of each category of appliance are found on a minimum of three (3) catalogs, three (3) manufacturer websites, two (2) distributor websites, two (2) retail websites, and other sites determined appropriate by the Contractor. Included in the websites searched shall be at least one auction-type website (for example, eBay and craigslist) to determine if regulated new appliances are being made available to California purchasers through these types of websites.
- If possible and when allowed by the website, make note of the number of each appliance sold.
- Survey the twenty-six (26) regulated appliance categories shown in the list of Appliances to be Surveyed which are offered for sale in California through the internet or through manufacturer's catalogs.
- In addition, the Contractor may also be asked by the CCM to survey additional regulated appliance types not listed in the list of Appliances to be Surveyed.
- Compile a list of appliance models of each of the twenty-six (26) categories of appliances specified that the surveys determine are being sold or offered for sale through catalogs and internet sites in California.
- When compiling this list, they should compare the models surveyed to those active models which are listed in the Energy Commission's Appliance Database.
- Identify the surveyed models that are not in the Database.
- Compile interim data sets containing survey data gathered during the first half of the contract period. The data shall be submitted to the Contract Manager in an electronic format suitable for sorting, filtering and further analysis.
- Upon completion of the surveys, compile final data sets of all survey data gathered during the contract period. The data shall be submitted in an electronic format suitable for sorting, filtering and further analysis by the CCM. The CCM understands that a comprehensive list of appliance models sold through the internet or through websites on the internet may not be feasible.

The following data shall be displayed in the interim and completed survey data sets:

- Where a catalog search is performed (name of the catalog)
- Internet address (hyperlink) of each site searched
- Store or business name, address, contact information, and internet address(s)
- Dates of internet queries

- Physical location of the manufacturer (address, including country)
- Complete list of appliance models that were surveyed. For each appliance model, list:
 - Appliance category
 - Manufacturer's name
 - Brand name
 - Model number
 - Date of model was manufactured (if available)
 - Rated capacity
 - Energy efficiency or energy consumption
 - Whether the model complies with the marking requirements of the Regulations (if able to determine)
 - Whether the model complies with the applicable efficiency standard (if able to determine)
 - Whether the model appears in the Energy Commission's Active Appliance Database
 - For non-complying or non-certified models, include a notation stating whether the website or catalog states that those models cannot be sold or offered for sale in California.
 - An indication of any information itemized in this list that was not available at the time of the survey.

DELIVERABLES:

- Interim Catalog/Internet Survey Data Sets
- Final (completed) Catalog/Internet Survey Data Sets

TASK 3: RETAIL / WHOLESALE STORE SURVEYS

The Contractor shall:

- Develop, for the review and approval of the CCM, a list of the physical locations of retail/wholesale store survey sites prior to beginning the survey work. The list of sites shall include the name of the store or business, address, and appliance(s) to be surveyed at the specified locations. This list shall include a minimum of five (5) physical locations each within Northern, Central, and Southern California. Whenever possible, multiple appliance categories shall be surveyed at each location.
- Survey the twenty-six (26) appliance categories listed in the list of Appliances to Survey which are sold or offered for sale in California through retail/wholesale stores.
- In addition, the Contractor may also be asked by the CCM to survey additional regulated appliance types not listed in the list of Appliances to be Surveyed.
- Compile a list of all appliance models of each of the twenty-six groups of appliances specified above that the surveys find are being sold or offered for sale through retail/wholesale stores in California.

- When compiling this list, compare the models surveyed to those active models which are listed in the Energy Commission's Appliance Database.
- Identify the surveyed models that are not in the Database.
- Prepare interim data sets containing survey data gathered during the first half of the contract period. The data shall be submitted in an electronic format suitable for sorting, filtering and further analysis by the Contract Manager.
- Upon completion of the surveys, compile data sets of all survey data gathered during the contract period.

The following data shall be displayed in the interim and Final (completed) data sets:

- Store or Business name, address and phone number
- Date of visit
- Name and title of contact person(s)
- Complete list of appliance models that were surveyed. For each appliance model, list:
 - Appliance category
 - Manufacturer's name
 - Brand name
 - Model number
 - Date of model was manufactured (if available)
 - Rated capacity
 - Energy efficiency or energy consumption
 - Whether the model complies with the marking requirements of the Regulations (if able to determine)
 - Whether the model complies with the applicable efficiency standard (if able to determine)
 - Whether the model appears in the Energy Commission's Active Appliance Database
 - For non-complying or non-certified models, include a notation stating whether the website or catalog states that those models cannot be sold or offered for sale in California.
 - An indication of any information itemized in this list that was not available at the time of the survey.

DELIVERABLES:

- List of Sites (physical locations) to be Surveyed
- Interim wholesale/retail store survey data sets
- Final (completed) wholesale/retail store survey data sets

TASK 4: ADDITIONAL SURVEYS AS NEEDED

The Commission Contract Manager may request additional appliances or other specific sales venues to be surveyed. It is anticipated that such requests would be made for purposes of gathering information to respond to or address specific enforcement matters received by the Energy Commission. This additional work will be similar to that in Task 3 but may be abbreviated at the direction of the Commission Contract Manager.

TASK 5: FINAL SUMMARY REPORT OF ALL SURVEYS

The Contractor shall:

- Prepare a Draft Summary Report summarizing the results of all the retail/wholesale, catalog and internet surveys performed, and shall submit the draft report to the CCM for review and approval. The draft report shall include a summary table of each appliance surveyed and the Contractor's analysis of any non-compliance found. The draft report shall also include recommendations for further surveys or methods of surveying in the future. The draft report shall be submitted in a Microsoft Word for Windows format.
- Review the Draft Summary Report with the CCM and incorporate any agreed-upon changes into the final version of the report both in printed form, and electronically on CD Rom or DVD.
- Submit a CD Rom or DVD containing the raw survey data.

DELIVERABLES:

- Draft Summary Report
- Final Summary Report
- CD Rom or DVD Containing Raw Survey Data

DELIVERABLES AND DUE DATES

Task	Deliverable	Due Date
1	Kick-off Meeting	February 3, 2012
1	Monthly Progress Reports	Monthly
2	List of survey locations	February 17, 2012
2	Interim catalog/internet survey data sets	July 16, 2012
2	Final catalog/internet survey data sets	January 31, 2013
3	Interim retail/wholesale survey data sets	July 16, 2012
3	Final retail/wholesale survey data sets	January 31, 2013
5	Draft Summary Report	February 1, 2013
5	Final Summary Report	March 1, 2013
5	CD Rom or DVD	March 1, 2013

III. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the Bids will be evaluated. It describes the evaluation stages, preference points, and opening of all Bids.

BID EVALUATION

The Contract will be awarded to the Bidder who meets the minimum qualifications and has the lowest responsible Cost Bid after the preferences (if applicable) are applied.

The Bids will be analyzed in two stages:

Stage One: Administrative and Completeness Screening

Each Bid will be checked for the presence or absence of required information in conformance with Bid Format and Required Documents (see section IV). The Energy Commission will evaluate each Bid to determine its responsiveness to these requirements.

Stage Two: Cost Bid

Those Bids that are responsive to the criteria in Stage One will have their Cost Bid opened. All preferences will be applied, if applicable. The contract will be awarded to the responsible Bidder meeting the requirements outlined in Stage One, who provides the lowest cost, after application of preferences.

PREFERENCE POINTS

A Bidder may qualify for preference points as described below. Each qualifying Bidder passing Stage One screening will receive the applicable preference points.

Small / Microbusiness

Bidders who qualify as a State of California certified small/microbusiness will receive a cost preference of five percent (5%) of the lowest cost or price offered by the lowest responsible Bidder who is not a certified small/microbusiness, by deducting this five percent from the small/microbusiness Bidder's cost, for the purpose of comparing costs for all Bidders. See Attachment 5.1 for more detailed information. Bidders qualifying for this preference must submit their Small Business certifications and document their status in Attachment 3, Contractor Status Form.

Non-Small Business

The preference to a non-small business Bidder that commits to small business or microbusiness subcontractor participation of twenty-five percent (25%) of its net Bid price shall be five percent (5%) of the lowest, responsible Bidder's price. A non-small business which qualifies for this preference may not take an award away from a certified small business. Bidders qualifying for this preference must submit the Small Business status of subcontractors on Attachment 5.4 and submit all applicable Small Business Certifications.

Disabled Veteran Business Enterprise Incentive Program

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et.seq. The information in Attachment 5.1 explains how the incentive is applied and how much of an incentive will be given.

Target Area Contract Preference Act/ Enterprise Zone Act/ Local Agency Military Base Recovery Act

The following preferences will be granted for this solicitation. Bidders wishing to take advantage of these preferences will need to review the websites stated below and submit the appropriate response with their Bid.

Target Area Contract Preference Act (TACPA)

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/tacpage.pdf> to determine if they qualify for this preference.

Enterprise Zone Act (EZA)

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/ezapage.pdf> to determine if they qualify for this incentive.

Local Agency Military Base Recovery Act (LAMBRA)

The Local Agency Military Base Recovery Act (Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/lambrapage.pdf> to determine if they qualify for this preference.

The TACPA, EZA, and LAMBRA preferences only apply to California based firms that demonstrate and certify under penalty of perjury that at least 50% of the total labor hours for manufactured goods or 90% of the total labor hours for services will be performed in distressed areas. The maximum preference that can be given for any Bid may not exceed 9% up to \$50,000.00.

Bidders wishing to take advantage of these preferences are required to submit the following applications/forms available on the above websites with their Bid:

- TACPA (Std. 830) and/or EZA (Std. 831) and or LAMBRA (Std. 832)
- Bidder's Summary of Contract Activities and Labor Hours (DGS/PD 526)

If you have further questions or need additional information on this matter, please contact TACPA/EZA/LAMBRA Preference Program Group at (916) 375-4609.

NOTICE OF PROPOSED AWARD

Subsequent to the Bid evaluations, the Energy Commission will post a Notice of Proposed Award (NOPA) at the Commission's headquarters in Sacramento, on the Commission's Web Site, and will mail the NOPA to all parties that submitted a Bid.

IV. Bid Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit a Bid in response to this IFB. The format is prescribed to assist the Bidder in meeting State Bidding requirements. Bidders must follow all Bid format instructions, answer all questions, and supply all requested data.

By signing the Bidder Certification, Attachment 2, Bidder will certify all of the qualifications below.

MINIMUM QUALIFICATIONS

1. The Bidder must be familiar with the appliance efficiency regulations found in §1601 – 1608 of Title 20 of the California Code of Regulations.
2. The Bidder must have an office in the State of California and the project manager must be based in the State of California.
3. The Bidder's organization must have adequate staffing and administrative support to perform all contract tasks.
4. The Bidder must have prior experience in collecting, analyzing and providing energy consumption data and trends.
5. The Bidder must have a minimum of two years experience in performing appliance market surveys for government regulatory agencies and /or utility organizations.
6. The Bidder must have performed an appliance market survey on at least one contract within the last five years with government regulatory agencies, utilities, or private sector organizations.
7. The Bidder's staff must have familiarity with appliance issues, including potential market niches, and be familiar with the appliance industry.

REFERENCE DOCUMENTS

Bidders responding to this IFB may want to familiarize themselves with the following documents:

- California's Appliance Efficiency Program website:
<http://www.energy.ca.gov/appliances>
- 2010 Appliance Efficiency Regulations (California Code of Regulations, Title 20, Sections 1601 through 1608):
<http://www.energy.ca.gov/2010publications/CEC-400-2010-012/CEC-400-2010-012.PDF>
- California Energy Commission Appliance Database:
<http://www.energy.ca.gov/appliances/database/index.html>

- Information on Formatting Reports & Writing Style for Consultants to the California Energy Commission (with link to STYLE MANUAL: Second Edition - For Preparing Contract and Consultant Reports for the California Energy Commission, Publication # CEC180-2010-002).

http://www.energy.ca.gov/contracts/consultant_reports/index.html

REQUIRED FORMAT FOR A BID

The documents in the Administrative Response (Volume 1, see below) and the Cost Bid (Volume 2, see below) constitute your Bid. The Cost Bid must be submitted in a separately sealed and labeled envelope.

NUMBER OF COPIES

Bidders must submit the original and two copies of Volume 1 and Volume 2

Bidders must also submit electronic files of the Bid on [CD-ROM diskette](#) along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of each volume must be labeled "Invitation for Bids 400-11-401 and include the title of the Bid and the appropriate volume number:

Volume 1 – Administrative Response

Volume 2 – Cost Bid Forms (Budget Forms, Attachment 7)

Include the following label information and deliver your Bid, in a sealed package:

Person's Name, Phone # Bidder's Name Street Address City, State, Zip Code FAX #	IFB 400-11-401 Contracts Office, MS-18 California Energy Commission 1516 Ninth Street, 1st Floor Sacramento, California 95814
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PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a Bid by:

- U. S. Mail
- Personally
- Courier service

Bids must be delivered no later than 3:00 p.m., to the Energy Commission Contracts Office during normal business hours and prior to the deadline specified in this IFB (Section I). In accordance with Public Contract Code 10341, Bids received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR BID AS FOLLOWS:

VOLUME 1, Administrative Response

Bidder Checklist	Attachment 1
Bidder Certification	Attachment 2
Contractor Status Form	Attachment 3
Darfur Contracting Act Form	Attachment 4
Completed Disabled Veteran Business Enterprise form	Attachment 5.3
Bidder Declaration form GSPD-05-105	Attachment 5.4
Contractor Certification Clauses	Attachment 6
Client References	Attachment 9
Proof of Certification	Attachment 10
Insurance Requirements	Attachment 11
TACPA/EZA/LAMBRA Forms	If Applicable

VOLUME 2, Cost Bid (Sealed Separately from Volume 1)

Budget Forms

Task Summary	Attachment 7, Attachment B-1
Category Summary	Attachment 7, Attachment B-2
Prime Labor Rates	Attachment 7, Attachment B-3
Subcontractor(s) Labor Rates	Attachment 7, Attachment B-3a-z
Prime Non-Labor Rates	Attachment 7, Attachment B-4
Indirect Rates for each Subcontractor	Attachment 7, Attachment B-4a-z
Direct Operating Expenses	Attachment 7, Attachment B-5

The Contractor must submit information on **all** of the attached budget forms, B-1 through B-5, and this will be deemed the equivalent of a formal Bid submission.

Detailed instructions for completing these forms are included at the beginning of Attachment 7.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the contractor for this IFB. The salaries, rates, and other costs entered on these forms become a part of the final contract. The entire term of the contract and projected rate increases must be considered when preparing the budget. The rates Bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their **actual** rates up to these rate caps. The hourly rates provided in all B-3s shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

The award(s) shall be made to the Bidder with the lowest Grand Total amount on Attachment 7, Attachment B-1 Task Summary. The lowest cost Bid will accomplish all tasks within the Bid amount. When preparing its Bid, the Bidder will take into account the following allocation of time and costs: 6% for the Kick-off meeting; 30% for Catalog/Internet Surveys; 60% for Wholesale/Retail Surveys; 4% for Final Summary report. On Attachment 7, Attachment B-1 Task Summary, Bidders will find a locked cell for Task 4 (Additional Surveys), with the amount of \$7,000. The Energy Commission has allocated this amount for additional work that may be needed in the future. All Bids automatically include this extra \$7,000 amount. Low Bid is determined by comparing the Grand Total amounts for each Bidder.

NOTE: The information provided in these forms will not be kept confidential. All other budget forms are required because they will be used for the contract prepared with the winning Bidder.

V. Administration

IFB DEFINED

The competitive method used for this procurement of services is an Invitation For Bids (IFB). A Bid submitted in response to this IFB will be opened and read publicly. The Energy Commission will contract with the Bidder who provides the lowest responsible Bid, and satisfies the minimum requirements.

DEFINITION OF KEY WORDS

Important definitions for this IFB are presented below:

Word/Term	Definition
State	State of California
DGS	Department of General Services
Energy Commission	California Energy Commission
IFB	Invitation for Bid, this entire document
Bid	The Administrative Response and Cost Bid together
Bidder	Respondent to this IFB
CCM	Commission Contract Manager
DVBE	Disabled Veteran Business Enterprises

COST OF DEVELOPING BID

The Bidder is responsible for the cost of developing a Bid, and this cost cannot be charged to the State.

PRINTING SERVICES

Per Management Memo 07-06, State Agencies must procure printing services through the Office of State Publishing (OSP). Bidders shall not include printing services in their Bids.

CONFIDENTIAL INFORMATION

The Commission will not accept or retain any Bids that are marked confidential in their entirety and Bidders are strongly discouraged from requesting confidential treatment for any of the information contained in a submittal.

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all solicitations must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272) The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, Bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a Bid or proposal to a State agency. (See # 1 on Attachment 4)

A scrutinized company may still, however, submit a Bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 4)

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Goals: This IFB is subject to a mandatory participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 et seq.

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their Bid status based on the efforts attained from the DVBE Participation Program.

More information regarding DVBE and Small Business is located in Attachments 5.1 through 5.4.

IFB CANCELLATION AND AMENDMENTS

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this IFB;

- Amend this IFB as needed; or

- Reject any or all Bids received in response to this IFB

If the IFB is amended, the Energy Commission will send an addendum to all parties who requested the IFB and will also post it on the Energy Commission’s Web Site

www.energy.ca.gov/contracts and Department of General Services’ Web Site

http://www.Bidsync.com/DPX?ac=powersearch&srchoid_override=307818.

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the IFB, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the IFB, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF BID

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Bid before the deadline to submit Bids. Bids cannot be changed after that date and time. A Bid cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the IFB: "This cost estimate is valid for 60 days."

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bid. The Energy Commission's waiver shall in no way modify the Bid or excuse the successful Bidder from full compliance.

DISPOSITION OF BIDDER'S DOCUMENTS

On the Notice of Proposed Award posting date all Bids and related material submitted in response to this IFB become a part of the property of the State and public record. Bidders who want any work examples they submitted with their Bids returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

BIDDERS' ADMONISHMENT

This IFB contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire IFB, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the IFB are followed and appropriately addressed, and carefully reread the entire IFB before submitting a Bid.

GROUND TO REJECT A BID

A Bid shall be rejected if:

- It is received after the exact time and date set for receipt of Bids pursuant to Public Contract Code, Section 10341.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act Form.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
- The Bid is intended to erroneously and fallaciously mislead the State in its evaluation of the Bid and the attribute, condition, or capability is a requirement of this IFB.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10411 or 10365.5.

- It contains confidential information.

A Bid may be rejected if:

- It is not prepared in the mandatory format described.
- The charges are computed incorrectly or it is unsigned.
- The firm or individual has submitted multiple Bids.
- It does not literally comply or contains caveats that conflict with the IFB and the variation or deviation is not material, or it is otherwise non-responsive.
- The budget forms are not filled out completely.

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the IFB, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five working days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
- Within five calendar days after filing the protest, the protesting Bidder must file with the DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

AGREEMENT REQUIREMENTS

The content of this IFB shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this IFB.

No Contract Until Signed & Approved

No agreement between the Commission and the successful Bidder is in effect until the contract is signed by the Contractor, approved at a Commission Business Meeting, and approved by the Department of General Services, if required.

Contract Amendment

The contract executed as a result of this IFB will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.